

REMARKS

Claims 1-23 are now pending in the application. Claims 22-23 have been added and Claims 1, 6, 7, 12 and 17 amended. Claims 1, 6, 12 and 17 are the only independent claims.

Drawings

Paragraph 1 of the Action objected to the drawings under 37 CFR 1.84(p)(5) because they include reference characters not mentioned in the description. The reference numbers illustrated in the drawings have been added in the corrections made to the specification, thereby rendering the objection to the drawings moot. Withdrawal of this objection is therefore respectfully requested.

35 USC 112, second paragraph rejections

Claims 1-5 and 12-16 were rejected under 35 USC 112, second paragraph, as indefinite. Specifically, the Action takes the position that “the term ‘roughly approximate to’ is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention” – the Action continues “it is impossible for the examiner to tell how much image must be lost versus how much must be shown remaining on the screen, and what ranges would be proportionate”.

Applicants respectfully disagree with the statements made in this regard, and believe that the recited step of “adjusting the image so that an amount of the image that is lost roughly approximates an amount of the screen that remains unfilled” does in fact comply with the requirements of Section 112, second paragraph, and that one of ordinary skill in the art would absolutely be ‘reasonably apprised of the scope of the invention’.

However, in order to advance the application and to clearly eliminate this as an issue, Applicants have amended each of Claims 1 and 12 to now recite the step of “adjusting the image so that an amount of the image that is lost *is approximately the same as* an amount of the screen that remains unfilled”. This language has been used in thousands of patents issued since 1976 and is believed to sufficiently define “how much image must be lost versus how much must be shown remaining on the screen”.

As described throughout the specification, in accordance with the invention, a compromise is made between the amount of unused screen and the amount of non-displayed image – wherein the amount of unused screen roughly equals the amount of image that extends beyond the screen. This leads to an optimal value of approximately 13% loss of image and 13% unused amount of screen.

Reconsideration and withdrawal of the Section 112, second paragraph rejection are respectfully requested.

35 USC 103(a) rejection

Claims 1-5 and 12-16 were rejected under 35 USC 103(a) as being unpatentable over US Patent 5,912,710 (Fujimoto et al.) in view of Jayne (Jayne, Jr., Allen W. “Wide Screen TV, Wide Screen Movies”). Claims 6-11 and 17-21 were rejected as being unpatentable over Fujimoto in view of Jayne and Apple (Apple Studio Display, “Display Adjustment Guidelines”, 2000). Claims 1, 6, 12 and 17 were rejected as being unpatentable over US Patent 5,825,427 (MacLeod) in view of Jayne and Apple.

In view of the foregoing claim amendments and the following discussion, this rejection is respectfully traversed and reconsideration is requested.

Independent Claim 1, as amended herein, is directed to a method for viewing an image on a display including the steps of receiving an image having a first aspect ratio, displaying the image on the display, which has a second aspect ratio different from the first aspect ratio and adjusting the image so that an amount of the image that is lost is approximately the same as an amount of the screen that remains unfilled with the image.

The Office Action takes the position that Fujimoto teaches a “DVD or media source... that has first aspect ratio (16:9) that is fed into player 300, decoded, passed to video scaler 107...passed on to a monitor that has a resolution different than that of the video (e.g. 4:3)” – that a “typical television has controls to allow the user to change the vertical horizontal scale (size) of the picture” – and that “it is well known in the art to allow the user to adjust this percentage by tweaking the vertical height and width of the picture (from both Apple and Jayne)”. The Action concludes that it (bottom of page 5) “would be obvious to modify the scaler 107 of Fujimoto to be manually controllable so that the user could set the desired exact widths

and heights, which would allow the user to adjust the area of the black bars”. The Action then continues that it would be obvious to combine the system of Fujimoto with Jayne, “since Jayne teaches different display modes, aspect ratios, and other capabilities that would clearly enable the system of Fujimoto to display more formats of video without having all of the movie cropped off the screen automatically”.

Applicants respectfully submit that neither Fujimoto, nor Jayne, separately or in any permissible combination, teach or suggest a method as defined by amended independent Claim 1, or an apparatus as defined by amended independent Claim 12, in which a video scaler adjusts an image so that an amount of the image that is lost *is approximately the same as* an amount of the screen that remains unfilled with the image.

The Fujimoto system/method for displaying graphics data pixels on a video monitor having a different display aspect ratio than the pixel aspect ratio, simply notes that the “graphics data are scaled in the horizontal direction so as to coincide with a horizontal resolution of the television monitor” (Abst.). While Jayne may discuss various TV display modes with respect to 16:9 televisions (page 9), Jayne, like Fujimoto, absolutely fails to teach or suggest a method or apparatus in which an image is adjusted *such that an amount of the image that is lost is approximately equal to the amount of the screen that remains unfilled with image.* As discussed in Applicants’ background of the invention section, prior attempts to address display issues for displaying images on a screen in which the image is designed for one size and the screen for a different size, include zooming in a picture until a screen is filled (rendering approximately 25% of the image unviewable), or distorting the image in certain places – leading to undesirable image artifacts. The method/apparatus in accordance with independent Claims 1 and 12, respectively, recognizes a unique advantage in maximizing the use of the screen while simultaneously minimizing the loss of image – by controlling the size of the image so that an amount of the image that is lost roughly equals the amount of the screen that remains unfilled.

Neither Fujimoto nor Jayne teaches or suggests the recited method/apparatus.

Independent Claim 6 is directed to a method for viewing an image on a display including the steps of receiving an image having a first aspect ratio, displaying the image on the display, which has a second aspect ratio different from the first aspect ratio and adjusting by the user an amount of the image that is lost, *wherein the amount of the image that is lost is approximately*

the same as an amount of the screen that remains unfilled with image. Independent Claim 17 has been similarly amended to recite that the video scaler controls the size of the image such that an amount of the image that is lost is approximately the same as an amount of the screen that remains unfilled with image.

Applicants respectfully submit that each of independent Claims 6 and 17, as amended herein, is patentable over Fujimoto, Jayne *and* Apple for at least the same reasons as presented above with regard to Claims 1 and 6. None of the cited references teach or suggest a method/apparatus in which an adjustment is made such that an amount of image that is lost *is approximately the same* as an amount of the screen that remains unfilled with image.

For at least the foregoing reason, Applicants respectfully submit that each of independent Claims 1, 6, 11 and 16, as filed, are patentable over Fujimoto, Jayne and Apple.

All of the independent claims were also rejected based on the combined alleged teachings of MacLeod, Jayne and Apple. Specifically, the Action takes the position that “a typical television has controls to allow the user to change the vertical horizontal scale of the picture” – “MacLeod teaches a display with an ideal aspect ratio that is the geometric mean between 4:3 and 16:9, which MacLeod teaches cuts the unused area of the screen to 13.4%, not including any overscan...that with overscan, and/or the use of prior art system that clip and distort the image... any border areas can be eliminated”

As acknowledged in the Action, MacLeod is directed to a image display system “having an aspect ratio *between the 4:3 aspect ratio of the NTSC and the...16:9 aspect ratio of HDTV*” (Abst.). Col. 5, lines 3-17 of MacLeod, describe FIG. 6 in which “the display of a video image 25 having a 16:9 aspect ratio on a screen 5 of the present invention including a 1.54:1 aspect ratio produces virtually insignificant unused screen portions 19...result[ing] in 86.6% of the screen being used and, accordingly, only an unused portion of 13.4%”. MacLeod attempts to address the “problems of dealing with video formats in both 4:3 and 16:9 aspect ratios” by using a video screen having an aspect ratio “between 1.4:1 and 1.65:1”.

MacLeod however, like Fujimoto, Jayne *and* Apple, fails to teach or suggest a method or apparatus for viewing an image on a display that includes adjusting the image so that an amount of the image that is lost *is approximately the same as* an amount of the screen that remains unfilled with the image.

Again Applicants therefore respectfully submit that each of independent Claims 1, 6, 12 and 17, as amended herein, is patentable over MacLeod, Jayne and Apple.


Finally, Applicants submit that there is absolutely no teaching or suggestion, nor would one skilled in the art have any motivation, to combine and modify the teachings of Fujimoto, Jayne and Apple - and MacLeod, Jayne and Apple - in the manner proposed in the Action. It is, of course, improper to pick and choose elements from several references in order to “build” an obviousness rejection, when such a combination would not in fact have been obvious to one of ordinary skill in the art. Further, it is impermissible to use an Applicants’ specification as an instruction manual or “road map” to piece together the teachings of the prior art in order to render claims obvious. The *only* suggestion for combining the alleged teachings of MacLeod, Fujimoto, Jayne and Apple in the manner suggested in the Office Action is found in the luxury of the hindsight accorded one who first viewed Applicants’ disclosure, which of course, is not a proper basis for a rejection.

For all of the foregoing reasons, each of independent Claims 1, 6, 12 and 17, as amended herein, is believed clearly patentable over any permissible combination of the teachings of Fujimoto, Jayne and Apple. Reconsideration is requested.

Dependent Claims 2-5, 7-11, 13-16 and 18-23 are believed to be clearly patentable over the art of record for at least the same reasons as indicated above with respect to Claims 1, 6, 12 or 17, one or another from which they depend, and are believed to even further define over the cited references by reciting additional distinguishing limitations.

Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant’s attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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